

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	
v.)	
)	<u>COMPLAINT</u>
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(1) GARDNER MANAGEMENT GROUP, L.L.C., (2) GARDNER TANENBAUM GROUP, L.L.C., AND (3) G & G CONSTRUCTION,)	
)	
)	
Defendants.)	JURY TRIAL DEMAND
)	

NATURE OF THE ACTION

This an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex and to provide relief to Misti Murphy, Teresa Myrick and other similarly situated females. The Commission alleges that Defendants, Gardner Management Group, L.L.C., Gardner Tanenbaum Group, L.L.C., and G & G Construction (hereafter "Defendants"), violated Title VII by subjecting Misti Murphy, Teresa Myrick and similarly situated females, as a class, to a sexually hostile work environment based upon their sex, female, and by terminating their employment in retaliation for complaining of the harassment

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §451, 1331, 1337, 1343, 1345. This action is authorized and instituted pursuant to Section 706(1)(f) and (3) of the

Civil Rights Act of 1964, as amended, (“Title VII”), 42 U.S.C §2000e-5(f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A..

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Oklahoma.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (“Commission”), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendants have continuously been and are now doing business in the state of Oklahoma and the city of Oklahoma City and have continuously had at least fifteen employees.

5. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Misti Murphy and Teresa Myrick filed charges with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended, by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February 2003, the Defendants have engaged in unlawful employment practices at their Oklahoma City locations in Oklahoma, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting Misti Murphy, Teresa Myrick and other similarly situated females, as a class, to a sexually hostile work environment, and in violation of Section (704)(a) of Title VII, 42 U.S.C. § 2000e-3(a), by terminating Misti Murphy, Teresa Myrick and other similarly situated females, as a class, from their employment in retaliation for complaining of the harassment.

8. The result of the foregoing practices has been to deprive Misti Murphy, Teresa Myrick and other similarly situated females, as a class, of equal employment opportunities because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Misti Murphy, Teresa Myrick and other similarly situated females, as a class.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex, or which facilitates, condones or encourages employees to create a sexually hostile environment.

B. Order the Defendants to institute and carry out policies, practices, and programs

which provide equal employment opportunities for Misti Murphy, Teresa Myrick and other similarly situated females, and eradicate the effects of its past and present unlawful unemployment practices.

C. Order the Defendants to make whole Misti Murphy, Teresa Myrick and other similarly situated females by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, front pay and pecuniary damages, including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of the Defendants' unlawful employment practices, including but not limited to rightful place reinstatement under terms and conditions which will permit Misti Murphy, Teresa Myrick and other similarly situated females to work free from discrimination.

D. Order the Defendants to make whole Misti Murphy, Teresa Myrick and other similarly situated females by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendants to pay Misti Murphy, Teresa Myrick and other similarly situated females punitive damages for their malicious conduct or reckless indifference described in paragraphs 7 and 10 above, in an amount to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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